

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GERARDO MIGUEL BAEZ DURAN (aka
RAFFY) and WILSON FRANCISCO
SANCHEZ CRUZ *individually and on behalf of
others
similarly situated,*

Case 1:18-cv-06685-GBD

Fed. R. Civ. P. 26 Report

Plaintiff,

-against-

E L G PARKING INC. (D/B/A E L G
PARKING INC.), STEVEN ROSENBERG,
BISHOP JOSEPH ALEXANDER, and
RAYMOND LOPEZ,

Defendants.

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1. The date of the conference and appearances for the parties, including the names of the individual attorneys who will attend, their law firms, addresses, and telephone numbers, and the party or parties represented. The Court expects each party's principal trial attorney to attend the conference.

The date of the conference is August 13, 2019.

Attorneys for Plaintiffs GERARDO MIGUEL BAEZ DURAN (aka RAFFY) and WILSON FRANCISCO SANCHEZ CRUZ Clifford Ryan Tucker Michael Antonio Faillace Michael Faillace & Associates P.C. 60 E 42nd St #4510 10165 New York, NY 70808 212-317-1200 Email: ctucker@faillacelaw.com	Attorneys for Defendants E L G PARKING INC. (D/B/A E L G PARKING INC.), BISHOP JOSEPH ALEXANDER, and RAYMOND LOPEZ E. Dubois Raynor E. Dubois Raynor , Jr Civil Rights Consortium, Inc. 547 North Avenue New Rochelle, NY 10801 855-490-3984 Email: ecfnotices- correspondences@civilrightsconsortium.com
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2. A concise statement of the nature of the case and the issues as they appear on the date of the Statement, including any issues as to jurisdiction or venue and any anticipated motions pursuant to Fed. R. Civ. P. 12(b) or (c).

This is an action for money damages alleging violations of the Fair Labor Standards Act and the New York Labor Law including applicable liquidated damages, interest, attorneys' fees and costs. Defendants own and operate a 24-hour parking lot and Plaintiffs are parking attendants. Plaintiffs allege violations of minimum wage and overtime provisions of the FLSA and NYLL; wage notice, wage statement, and recordkeeping violations; and, unlawful deductions from wages.

3. A proposed deadline for joining additional parties, amending the pleadings, or moving for leave to do so.

November 12, 2019.

4. A proposed discovery schedule including:

A. A date for exchanging the automatic disclosures required by Fed. R. Civ. P. 26(a)(1)(A), or the date on which such disclosures were accomplished.

September 5, 2019

B. Dates for the service of initial document production requests and interrogatories (limited in accordance with Local Civil Rule 33.3).

October 8, 2019

C. A date by which all fact depositions will be completed, including the names (if known) or descriptions of persons expected to be deposed.

December 6, 2019.

D. A date for the close of all fact discovery

January 30, 2020

E. Dates by which each party's expert report(s) or other expert disclosure, and any responding reports, will be supplied to the adversary (to the extent any expert discovery may be required in this action).

February 20, 2020.

- F. A date for the close of all discovery, including expert depositions (to the extent any expert discovery may be required in this action).

March 20, 2020.

5. Any proposed limitations to be placed on discovery, including protective or confidentiality orders. The parties may (but are not required to) use the Model Protective Order found on the Court's website at <http://nysd.uscourts.gov/judge/Moses>

N/A.

6. Any anticipated discovery issues that may warrant early attention from the Court (including ESI protocols, litigation holds, and other issues relating to the preservation, retrieval and/or production of electronically stored information).

N/A

7. A date, approximately 30 days prior to the close of fact discovery, for a status conference with the Court.

January 6, 2020 if there is no expert discovery. April 8, 2020 if the parties require expert discovery.

8. When the case should be (a) referred to mediation or (b) scheduled for a settlement conference with the Court.

A. Referred to mediation: N/A

B. Scheduled for settlement conference with the court: on or before February 20, 2020, if no expert discovery. On or before March 20, 2020 if the parties exchange expert discovery.

9. A date for the filing pre-motion conference requests regarding summary judgment, pursuant to the Individual Practices of the District Judge, § 3(H).

February 20, 2020 if there is no expert discovery. May 5, 2020 if the parties require expert discovery.

10. The anticipated length of trial and whether a jury has been requested.

Approximately four days.

11. Whether the parties wish to consent to trial before the designated magistrate judge.
N/A.

Dated: New York, New York
August 9, 2019

/s/ Clifford R. Tucker

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Respectfully and jointly submitted,

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